

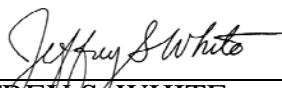
1 *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Once the sentence has expired, however,
2 some concrete and continuing injury other than the now-ended incarceration or parole--
3 some "collateral consequence" of the conviction--must exist if the suit is to be
4 maintained and not considered moot. *Id.*

5 The presumption of collateral consequences that is applied to criminal
6 convictions does not extend to parole revocations. *Spencer*, 523 U.S. at 13; *Lane v.*
7 *Williams*, 455 U.S. 624, 632-33 (1982). A petitioner who seeks to challenge the
8 revocation of his parole must demonstrate that continuing collateral consequences exist
9 if the term imposed for violating parole has been served. *Cox v. McCarthy*, 829 F.2d
10 800, 803 (9th Cir. 1987) (claim moot because petitioner cannot be released from term
11 imposed for violating parole that he has already served). Claims of detriment in a
12 future parole or sentencing proceeding, impeachment in a future criminal or civil
13 proceeding, or use against him should he appear as a defendant in a future criminal
14 proceeding do not constitute sufficient proof of collateral consequences. *See Spencer*,
15 523 U.S. at 14-16.

16 In *Spencer*, the Supreme Court also explicitly rejected a contention that such
17 claims fall within the exception to the mootness doctrine for cases which are capable of
18 repetition but evade review. *Id.* at 18. The Court said that such a petitioner had not
19 demonstrated a reasonable likelihood he would "once again be paroled and have that
20 parole revoked." *Id.* The exception therefore does not apply. Therefore, this case is
21 DISMISSED as moot. All pending motions are TERMINATED as moot (docket no. 4)
22 and no fee is due. The Clerk shall close the file and enter judgment.

23 IT IS SO ORDERED.

24 DATED: January 4, 2007

25 
26 JEFFREY S. WHITE
27 United States District Judge
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